

Appln No. 10/563,471
Amdt date September 21, 2009
Reply to Office action of March 19, 2009

REMARKS/ARGUMENTS

Claims 1-10 are in the application. Claims 1-8 have been amended and finds support in at least originally filed Claims 6 and 11-13 and paragraph [0054] and FIG. 6. Claims 1 and 5-8 have been amended to overcome the various objection/rejections to the claims, to be consistent with each other, to better set forth the subjection matters being claimed, and/or to improve their claim recitation forms. Claims 2-4 have been amended to be consistent with each other, to better set forth the subjection matters being claimed, and/or to improve their claim recitation forms. Claims 9-10 have been added. The Applicant respectfully requests reconsideration and allowance of the application in view of the amendment and the following remarks.

1. For the section 112 rejections of Claims 1-3 as being indefinite

Having considered the Examiner's rejections, the Applicant has amended the definitions of Claim 1, defining the (C₅-C₁₄) heterocyclic group in the (C₅-C₁₄)heterocyclic-(C₁-C₆)alkyl to be piperidyl, piperazinyl, N-methylpiperazinyl, or N-ethylpiperazinyl.

For the rejection to Claim 2, the Applicant has defined the mono- or di-(C₃-₈)cycloalkylamino group of the mono- or di-(C₃-₈)cycloalkylamino-C₁₋₆alkyl in Claim 1 to be including pyrrolidinyl and morpholinyl so that to obviate such objection. In addition, the Applicant has amended Claim 2 to improve its forms and to correct certain minor clerical errors.

In view of the above amendments, the Applicant respectfully submits that the section 112 rejections to Claims 1-3 have been overcome.

In addition, the Applicant has added a supplemental "(C₁-C₆)alkyl" to the term "(C₁-C₁₂) linear or branched alkylamino" in the definition of R₁ and R₂, to better set forth the subject matter being claimed.

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2. For the section 112 rejection of Claim 5

The Applicant has amended the term "a suitable bis-functional group substituted compound" to "a corresponding bis-functional group substituted compound." That is, such a bis-functional group substituted compound is not arbitrarily selected, but is for the synthesis of the target compound, and can be readily understood by a person having ordinary skill in this art. In other words, such a compound should encompass the C₁₋₆alkyl moiety of the substitution groups in the definition of R1 and R2, therefore, it should be clear for a person having ordinary skill in this art to carry out.

3. For the sections 101 and 112 rejections of Claims 6-8

The Applicant have amended Claims 6-8 to the form of treatment method claims, so as to overcome these rejections.

4. For the section 102 rejections of Claims 1, 4 and 6-8 as being anticipated by Gao et al.

The Applicant submits herewith a certified copy of the original Chinese priority document CN 03148547.2 filed on July 3, 2003 along with its Verified English translation to overcome the Gao et al. reference, which was not published until September 1, 2003.


In view of the above documents, the Applicant respectfully submits that Gao et al. should be removed as a prior art reference and the section 102 rejections to Claims 1, 4 and 6-8 have been overcome.

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5. Conclusion

In view of the foregoing, the Applicant respectfully submits that Claims 1-10 are now in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested, and a timely Notice of Allowability is solicited. If there are any remaining issues that can be addressed over the telephone, the Examiner is encouraged to call the Applicant's attorney at the number listed below.

Respectfully submitted,
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